

A C S Tel Corn Inc

A C S TEL COM INC

PSC Kentucky Tariff No. 1 .
Original Page 1 .

COPY

A C S TEL COM INC
100 Merrick Rd., Suite 116W
Rockville Centre, NY 11570

Rates, Rules and Regulations for Furnishing
Intrastate Interexchange Telecommunications Service

Filed with the
PUBLIC SERVICE COMMISSION OF KENTUCKY

TITLE SHEET

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

Issued:

Issued by:

Effective:

FEB 04 1998

A C S TEL COM INC
100 Merrick Rd., Suite 116W
Rockville Centre, NY 11570

PURSUANT TO 807 KAR 50 11,
SECTION 9 (1)
BY: Stephan Bue
SECRETARY OF THE COMMISSION

CHECK SHEET

The following sheets of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this page.

| <u>Sheet</u> | <u>Revision</u> | <u>Sheet</u> | <u>Revision</u> |
|--------------|-----------------|--------------|-----------------|
| 1 | Original | 18 | Original |
| 2 | Original | 19 | Original |
| 3 | Original | 20 | Original |
| 4 | Original | 21 | Original |
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A C S TEL COM INC
100 Merrick Rd., Suite 116W
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PURSUANT TO 807 KAR 5011,
SECTION 9 (1)

BY: Stephan O. Bell
SECRETARY OF THE COMMISSION

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APPLICATION OF TARIFF

This tariff contains all effective rates, rules and information relating to A C S TEL COM INC ("A C S TEL COM INC"). A C S TEL COM INC provides interexchange telecommunications services. A C S TEL COM INC has been granted authority by the Kentucky Public Service Commission ("KPSC") to provide service within the State of Kentucky.

SYMBOLS

The following are the only symbols used for the purposes indicated below:

- C - Change Which May Affect Rates
- D - Delete or Discontinue
- I - Change Resulting In An Increase in Rates
- L - Moved From Another Tariff Location
- N-New
- R - Change Resulting In A Reduction in Rates
- T - Change In Text or Regulation But No Change In Rate or Charge

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**FURSUANT TO 807 KAR 5011,
SECTION 9(1)**

BY: Stephan D. Bell
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TARIFF FORMAT

- A. **Sheet Numbering** - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. **Sheet Revision Numbers** - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the Kentucky Public Service Commission ("KPSC"). For example, the 4th revised Sheet 14 cancels the 3rd revised sheet 14. Because of various suspension periods, deferrals, etc., the Kentucky PSC follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff pages in effect.
- C. **Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level.
2.
2.1.
2.1.A.
2.1.A.1
2.1.A.1.(a).
2.1.A.1.(a).I.
2.1.A.1.(a).I.(i)
2.1.A.1.(a).I.(i).(1)
- D. **Check Sheets** - When a tariff filing is made with the Kentucky PSC, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (*). There will be no **other symbols** used on the check sheet if these are the only changes made to it (i.e., the format, etc. Remains the same, just revised revision levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the Kentucky PSC.

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BY: Stephan O. Bue
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SECTION 1. TECHNICAL TERMS AND ABBREVIATIONS

Access Line- An arrangement from a local exchange telephone company or other common carrier, using either dedicated or switched access, which connects a subscriber's location to A C S's location or switching center.

Account Number - A numerical code, one or more of which may be assigned to a subscriber, to enable A C S to identify the service user so it may rate and process the call.

A C S TEL COM INC. - The term "ACS TEL COM INC or A C S" shall mean A C S TEL COM INC

A C S Phone Card - A credit or debit calling card issued by Carrier which allows Subscribers and/or Users to make telephone calls and charge the calls to a credit or debit account. Calls charged to a A C S-issued credit card will appear on the Subscriber's regular monthly bill. Calls charged to an A C S-issued debit travel card will be charged against the debit account.

Common Carrier - A company or entity providing telecommunications services to the public.

Credit Card Calls - Calls for which charges are billed not to the originating telephone number, but to a credit card, such as VISA, Mastercard, or American Express.

KPSC - Used throughout this tariff to mean the Kentucky Public Service Commission.

Local Access and Transport Area (LATA) - The term "Local Access Transport Area" denotes a geographical area within which a local exchange company provides communications services.

Measured Charge - A charge assessed on a per minute basis in calculating the charges due for a completed call.

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PURSUANT TO 007 KAR 5:011,
9 (1)

BY: Stephan D. Bee
SECRETARY OF THE COMMISSION

SECTION 1. TECHNICAL TERMS AND ABBREVIATIONS (Cont'd)

Prepaid Card Calls - A prepaid, or debit calling card issued by A C S which allows Subscribers and/or Users to make telephone calls and charge the calls to or against the debit account of that card. Charges for calls on this card are billed not to the originating telephone number but are deducted from the remaining prepaid value of the debit card. Company debit, or prepaid card calls do not result in a bill being sent to the subscriber.

Postpaid Card Service - A travel card service to which users may subscribe. Payment for charges to such card are made either through Local Exchange Carrier billing, or through charges to a valid credit card. A customer who elects to use this service will pay the tariffed rates for calls charged to the card. Charges for such calls appear on the Subscriber's LEC billing or on the Subscriber's credit card monthly billing statement..

Subscriber/User - The person or legal entity which enters into arrangements for A C S's telecommunications services and is responsible for payment of A C S's services and/or the party utilizing the services of A C S and responsible for the payment of charges.

Telecommunications - The transmission of voice communications or, subject to the transmission capabilities of the service, the transmission of data, facsimile, signaling, metering, or other similar communications.

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PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)

BY: Stephan D. Bue
SECRETARY OF THE COMMISSION

SECTION 2. RULES AND REGULATIONS**2.1 Terms of Tariff**

2.1.1 This tariff contains the regulations and rates applicable to intrastate resale telecommunications services provided by A C S for telecommunications between points within the State of Kentucky. A C S's services are furnished subject to the availability of facilities and subject to the terms and conditions of this tariff.

2.1.2 The services of A C S are not part of a joint undertaking with any other entity providing telecommunications channels, facilities or services, but do involve the resale of the Message Toll Services (MTS) and Wide Area Telecommunications Services (WATS) of underlying common carriers who may be subject to the jurisdiction of this commission.

2.1.3 The rates and regulations contained in this tariff apply only to the services furnished by A C S and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carrier for use in accessing the services of A C S

2.1.4 The services of A C S are furnished to purchasers of A C S Phone cards. The purchase of a card makes available to the purchasing subscriber A C S's nationwide services, including the intrastate services offered under the terms and conditions of this tariff.

2.2 Use of Services

2.2.1 A C S's services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services.

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**PURSUANT TO 807 KAR 50 11,
SECTION 9 (1)**

**BY: Stephan D. Bell
SECRETARY OF THE COMMISSION**

SECTION 2. RULES AND REGULATIONS (Cont'd)

- 2.2.2** The use of A C S's services to make calls which might reasonably be expected to frighten, abuse, torment, or harass another, or in such a way as to unreasonably interfere with use by others, is prohibited.
- 2.2.3** The use of A C S's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, false calling or credit cards or false A C S Phone Cards or false numbers of such cards, is prohibited.
- 2.2.4** A C S's services are available for use twenty-four hours per day, seven days per week.
- 2.2.5** A C S does not transmit messages pursuant to this tariff, but its services may be used for that purpose.
- 2.2.6** A C S's services may be denied for nonpayment of charges or for other violations of this tariff.

2.3 Liability of A C S

- 2.3.1** A C S shall not be liable for loss or damage sustained by reason of any failure in or breakdown of facilities associated with A C S International's services or for any interruption or delay of services, whatever shall be the cause of such failure, breakdown, or interruption, and whether negligent or otherwise, and however long it shall last. In no event shall A C S's liability for any service exceed the charges applicable under this tariff to such service.

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SECTION 9(1)

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SECTION 2. RULES AND REGULATIONS (Cont'd)

- 2.3.2** A C S shall be indemnified and saved harmless by any subscriber, user or by any other entity against claims for libel, slander or the infringement of copyright arising from the material transmitted over its services; and against all other claims arising out of any act or omission of a subscriber or of any other entity in connection with the services provided by A C S
- 2.3.3** A C S is not liable for any act or omission of any entity furnishing facilities or services connected with or provided in conjunction with the services of A C S.
- 2.3.4** A C S shall not be liable for any personal injury, or death of any person or persons, nor for any loss or damage sustained by reason of acts, mistakes, omissions, errors or defects in providing its services, whatever shall be the cause, and whether negligent or otherwise.
- 2.3.5** A C S shall not be liable for and shall be indemnified and saved harmless by any subscriber, user or other entity from any and all loss, claims, demands, suits, or other action or any liability whatever, whether suffered, made, instituted, or asserted by any subscriber, user or any other entity or any personal injury to, or death of, any person or persons, and for any loss, damage, defacement or destruction of the premises of any subscriber, user or any other entity of any other property whether owned or controlled by the subscriber, user or others, caused or claimed to have been caused, directly or indirectly, by any act or omission of the subscriber, user or others or by any installation, operation, failure to operate, maintenance, removal, presence, condition, location or use of services, facilities or equipment provided by A C S which is not the direct result of A C S's negligence. No agents or employees of any other entity shall be deemed to be the agents or employees of A C S

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.3.6 A C S shall not be liable for any failure of performance due to causes beyond its control, including, without being limited to, acts of God, fires, floods or other catastrophes, national emergencies, insurrections, riots or wars, strikes, lockouts, work stoppage or other labor difficulties, acts or omissions of other carriers, and any law, order, regulation or other action of any governing authority or agency thereof.

2.4 Responsibilities of the Subscriber

2.4.1 The subscriber is responsible for payment for use of A C S Phone Cards and for complying with tariff regulations. The subscriber is also responsible for the payment of charges for calls which the subscriber elects to continue following notification that the prepaid amount on the A C S calling card then in use has been fully used.

2.4.2 The subscriber must pay A C S for replacement or repair of damage to the equipment or facilities of A C S caused by negligence or willful act of the subscriber or others, by improper use of the services, or by use of equipment provided by the subscriber or others.

2.4.3 The subscriber is responsible for compliance with the applicable regulations set forth in this tariff.

2.4.4 The subscriber is responsible for establishing its identity as often as necessary during the course of a call.

2.4.5 The subscriber is responsible for identifying the station, party, or person with whom communication is desired and/or made at the called number.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

2.5 Cancellation or Interruption of Services

Cancellation of service by A C S shall be done in accordance with 807 KAR 5006, Drvion 14.

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**PURSUANT TO 807 KAR 5011,
SECTIONS (I)**

**BY: Stephan Bui
SECRETARY OF THE COMMISSION**

SECTION 2. RULES AND REGULATIONS (Cont'd)2.6 Billing Arranaements

2.6.1 A C S Card Calls: Charges for calls of this type will be prepaid upon purchase by the subscriber of a A C S Phone Card. A C S customer service agents will have itemized call detail information on-line in order to answer customers' questions. Upon verification that the caller is an A C S customer, written itemization of charges can be obtained from customer service.

2.6.2 Credit Card Call: Itemization of charges posted to credit cards will be included on the subscriber's regular monthly statement from the card-issuing company.

2.7 Validation of Credit A C S reserves the right to validate the credit worthiness of users through available verification procedures. Where a requested billing method cannot be validated, the user may be required to provide an acceptable alternate billing method or A C S may refuse to place the call.

2.8 Contested Charges: All bills are presumed accurate, and shall be absolutely binding on the Subscriber unless objection is received by A C S within thirty (30) days after such bills are rendered. In the case of a billing dispute between the Subscriber and A C S for service furnished to the Subscriber, A C S's Customer Service may be reached at 1-800-326-6064, 24 hours per day, or the subscriber may contact A C S at the following address:

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SECTION 2. RULES AND REGULATIONS (Cont'd)

A C S TEL COM INC
100 Merrick Rd., Suite 116W
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If such dispute cannot be settled to the satisfaction of the subscriber, the Subscriber may take the following course of action within thirty (30) days of the billing date:

2.8.1 First, the Subscriber may request, and Carrier will provide, an in-depth review of the disputed amount. The undisputed portion and subsequent bills must be paid on a timely basis or the service may be subject to disconnect.

2.8.2 Second, if there is still a disagreement about the disputed amount after the investigation and review by a manager of A C S, the Subscriber may file an appropriate complaint with the KPSC. The Commission's address is:

Kentucky Public Service Commission
P.O.Box 615
Frankfort, KY 40602
(502) 564-3940

2.9 Taxes: All federal, state and local taxes (e.g., excise tax, gross receipts tax, sales tax, municipal utilities tax) are calculated at the time of each call and included in the amount deducted for each call. Taxes are not in postpaid service, but are included in the prepaid card service.

2.10 Deposits: A C S does not require a deposit from the Subscriber.

2.11 Directory Assistance: A C S does not provide Directory Assistance.

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SECTION 3. DESCRIPTION OF SERVICE

- 3.1 General Description of Services: A C S provides interexchange telecommunications services, including switched access long distance communications service. Calls are rated based on the duration of the call.
- 3.2 Prepaid Phone Card Service: Prepaid Phone Card Service is a product that is neither time of day nor distance sensitive while calling within the United States, that provides prepaid calling card service (see "Service Offerings" below).
- 3.3 Postpaid Card Service. A travel card service to which users may subscribe. Payment for charges to such card are made at the time of billing, after the service has been rendered. A customer who elects to use this service will pay the tarified rates for calls charged to the card. Charges for such calls appear on the Subscriber's regular monthly bill.
- 3.4 Calculation of Usaae Rates: Billing for calls placed over the A C S network is based on the distance and duration of the call. Billing is in one minute increments. Calls are rounded up to the next minute. Timing of each call begins as specified below, and ends when either the calling party or the called party hangs up.
- 3.4.1 Timing begins when the called station is answered, as determined by standard industry methods generally in use for ascertaining answer, including hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. A C S will not bill for uncompleted calls.
- 3.5 Minimum Call Completion Rate A customer can expect a call completion rate of not less than 99% during peak use periods for all FG D services ("1+" dialing). Under normal circumstances, the call completion rate should be no less than 99%.

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3.6 Service Offerinas

3.6.1 A C S Prepaid Phone Card Service. This service permits use of a prepaid A C S Phone Card for placing long distance calls. Users may purchase A C S cards at a variety of retail outlets or through other distribution channels.

3.6.1 .A A C S Phone Cards are available at a face value ranging from \$5.00, \$10.00, \$25.00, \$50.00 to \$100.00. A call is placed by dialing an 800 number to obtain access to A C S's network. The caller is prompted by an automated voice response system to enter his/her account number, and then to enter the terminating telephone number.

3.6.1.B A C S's processor tracks the call duration and destination for rating purposes on a real time basis. The total price of each call, including applicable taxes, is deducted from the prepaid amount on the caller's A C S card. Should the balance on the card approach zero, the caller is so advised, and, if desired, the caller may enter a valid account number on a separate A C S card or may enter a valid commercial credit card number to continue

the call. Callers may also add value to a A C S card by arranging to charge a credit card on a regular basis.

3.6.1 .C Special features are available for use with the A C S card. These features include speed calling capability for two digit dialing of up to ten numbers. In addition, multiple calls can be made without re-dialing an access number or account number.

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SECTION 3. DESCRIPTION OF SERVICE(Cont'd)

3.6.1 .D A C S offers universal origination from anywhere in the United States, and termination both domestically and internationally. Availability of termination may be limited by A C S's operating authority limits, or by service availability for international direct dialing.

3.6.2 A C S Postpaid Card Service. A travel card service to which users may subscribe. Charges to such card are either paid through LEC billing, or through charges to a valid credit card, which would be paid under the terms of the billing statement rendered by the credit card company. A customer who elects to use this service will pay the tariffed rates for calls charged to the card. Charges for such calls appear on the Subscriber's regular monthly bill.

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SECTION 4. RATES AND CHARGES**4.1 A C S Phone Card Rates**

4.1.1 A C S will enter agreements with retailers or other distributors of the A C S card to discount the price of cards purchased by a particular retailer or other distributor in order to induce the distributor to offer the cards to end users. These distribution arrangements will not affect the rates charged to end users of the cards.

4.1.2 A C S may enter special arrangements with certain customers who purchase cards in volume directly from A C S. The discount will consist of reductions of price for the denomination of card or cards being purchased.

4.2 Chaaes Comoutation

4.2.1 Calls processed by A C S are rated and charged in increments of one minute.

4.2.2 Chargeable time begins when the called party answers and a connection has been established. Chargeable time ends when either party "hangs up" thereby releasing the network connection. Calls are measured and billed in one minute increments; fractional minutes of use are rounded up to the next full minute. Calls beginning in one rate period and ending in another will be billed at the rate applicable to at the beginning of the call. Consumers using A C S services will not be charged for unanswered or uncompleted calls.

4.2.3 All prepaid calling cards expire six (6) months after the date of first use, without further use, or after the date of last use.

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SECTION 4. RATES AND CHARGES (Cont'd)4.3 Rate Schedules

4.3.1: Postpaid Card Service: Postpaid travel card service is available to Subscribers of A C S's long distance services. Customers will reach A C S's network via a toll free number. A customer who elects to use this service will pay the tariffed rates for calls charged to the card. Charges for such calls will be billed monthly on the Subscriber's Visa, Mastercard, American Express or Discover credit card. Card calls are billed in one minute initial and additional increments.

| | |
|---------------------|----------------|
| Per Minute Rate: | \$0.50 |
| Per Call Surcharge: | \$0.39 |
| Annual access fee: | \$12.00 |

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SECTION 4. RATES AND CHARGES (Cont'd)

4.3.2 **Prepaid Card Service:** Prepaid card service is a prepaid long distance calling card service under which Users purchase cards in predetermined amounts for long distance usage. As Users access the service their usage and required taxes are automatically deducted from the remaining card balance. Prepaid card calls are billed in one minute initial and additional increments.

For calls placed anywhere in the United States, the following rates apply:

Per Minute Rates:

| | <u>Face</u> | <u>Rate</u> |
|--------------------------------|------------------|---------------|
| Card cost | \$100.00 or more | \$0.18 |
| Card cost | Less than \$100 | \$0.50 |
| Per Call Surcharge, all cards: | | \$1 .00 |

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**PUBLICSERVICE COMMISSION
OF KENTUCKY
EFFECTIVE**

Issued:

Issued by:

Effective: FEB 04 1998

A C S TEL COM INC
100 Met-rick Rd., Suite 116W
Rockville Centre, NY 11570

PURSUANT TO 807 KAR 5:011.
SECTION 9(1)

BY: Stephen O. Bell
SECRETARY OF THE COMMISSION